

Americans with Disabilities Act (ADA)

What is it?

Americans with Disabilities Act (ADA) of 1990 prohibits discrimination against individuals with disabilities in employment, housing, education, and access to public services. This act will enable society to benefit from the skills and talents of individuals with disabilities, will allow us all to gain from their increased purchasing power and ability to use it, and will lead to fuller, more productive lives for all Americans.

ADA title I

Employment – covers issues about discrimination and offers equal employment opportunity related to the application process; interview process; hiring; firing; and accommodations for successful employment. It prohibits discrimination against “qualified individuals with disabilities.”

ADA Title II

State & Local Government/ Public Service – Public services, which include state and local governments, the National Railroad Passenger Corporation, and other commuter authorities, regardless of the size of the public entity, are subject to the provisions of Title II. No qualified individual with a disability shall, by reason of such disability, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity.

ADA Title III

Public Accommodation & Services Operated by Private Entities – provides information about new construction and modifications, and the need of accessibility to individuals with disabilities. For existing facilities, barriers to services must be removed, if easily accomplishable and able to be carried out without much difficulty or expense.

A public accommodation is a private entity that owns, operates, leases, or leases to, a place of public accommodation, such as restaurants, hotels, theater, pharmacies, retail stores, museums, libraries, day care centers, parks, and doctor’s offices.

The ADA allows the Attorney General to certify that a State law, local building code, or similar ordinance that

establishes accessibility requirements meets or exceeds the minimum accessibility requirements for public accommodations. This certification can only happen after prior notice and a public hearing has been held.

The Internal Revenue Service provides information about tax code provisions including tax credits and deductions that can assist business in complying with the ADA. There are tax credits available for making accommodations, removing qualified architectural or transportation barriers, and in some instances for hiring individuals with disabilities.

Complaints regarding actions that occurred on or after July 26, 1992 may be filed with the Equal Opportunity Commission or designated State human rights agencies.

As of July 21, 2002 there are 74 pending ADA claims against private and non-state governmental employers at the Vermont Attorney General's office.